

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

v.

ALEXANDER DIAZ-OTERO,  
a/k/a "Otero Alexander Dias,"

Defendant.

Case No. 1:20-MJ-302

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Mark Tlumacki, being duly sworn, state the following:

1. I am a deportation officer with United States Immigration and Customs Enforcement ("ICE") in Fairfax County, Virginia. I have been employed with ICE for over seven years. During that time, I have received specialized training and have conducted numerous investigations relating to administrative and criminal violations of the Immigration and Nationality Act and Titles 8 and 18 of the United States Code. My duties as a deportation officer with ICE include investigating administrative and criminal violations of the Immigration and Nationality Act and Titles 8 and 18 of the United States Code and seeking, when applicable, prosecution and removal of violators.

2. This affidavit is submitted in support of a criminal complaint and arrest warrant for ALEXANDER DIAZ-OTERO (also known as "Otero Alexander Dias"), an alien who was found in the United States after being denied admission, excluded, deported, or removed, or having departed the United States while an order of exclusion, deportation, or removal was outstanding, subsequent to a conviction for the commission of an aggravated felony, in violation of Title 8, United States Code, Sections 1326(a) and (b)(2).

3. The facts and information contained in this affidavit are based upon my training and experience, personal knowledge, and observations during the course of this investigation, as well as the observations of other agents involved in this investigation. This affidavit contains information necessary to support probable cause, but it is not intended to include each and every fact and matter observed by me or known to the government.

#### **SUMMARY OF FACTS TO SUPPORT PROBABLE CAUSE**

4. On or about October 18, 2020, ICE learned that DIAZ-OTERO was arrested in Loudoun County, Virginia, within the Eastern District of Virginia, for felony possession of a schedule I or II drug, in violation of Virginia Code § 18.2-250.

5. As part of the state arrest, DIAZ-OTERO was fingerprinted. An electronic copy of DIAZ-OTERO's fingerprints was then processed through ICE indices containing fingerprint records of known and previously deported aliens. Results of this query showed positive matches to DIAZ-OTERO, his Federal Bureau of Investigation (FBI)/Universal Control Number (UCN), and his Alien Registration Number. ICE performed records checks which confirmed that DIAZ-OTERO is a Honduran national who was removed from the United States on or about November 23, 2007, at or near San Antonio, Texas, and on or about September 17, 2010, at or near Alexandria, Louisiana.

6. I conducted a criminal history check and review of DIAZ-OTERO's alien file. I learned that on or about December 18, 2008, DIAZ-OTERO pled guilty to felony Illegal Reentry After Removal Subsequent to a Conviction for an Aggravated Felony, in violation of Title 8, United States Code, §§ 1326(a)&(b)(2), in the United States District Court for the Eastern District of Virginia. DIAZ-OTERO was sentenced to 24 months in prison and three years of supervised release. This is an aggravated felony conviction under Title 8, United States Code, § 1101.



7. DIAZ-OTERO's alien file, includes two ICE Form I-205s (Warrant of Removal/Deportation) executed November 23, 2007, at or near San Antonio, Texas, and on or about September 17, 2010, at or near Alexandria, Louisiana. The forms contain DIAZ-OTERO's photograph, fingerprint, and signature.

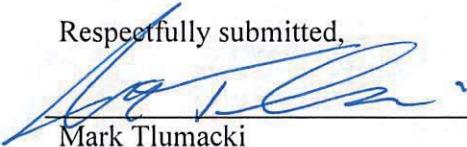
8. The FBI Special Processing Center compared DIAZ-OTERO's fingerprint from his Form I-205 dated September 17, 2010 with: (1) the fingerprints associated with DIAZ-OTERO's FBI/UCN number, (2) DIAZ-OTERO's fingerprints from his October 18, 2020 Loudoun County arrest, and (3) the electronic fingerprints on file in FBI holdings from previous administrative and law enforcement encounters with DIAZ-OTERO. The FBI Special Processing Center determined that the fingerprints matched. In addition, using my knowledge, training, and experience, I compared the booking photo taken after DIAZ-OTERO's Loudoun County arrest on or about October 18, 2020, with DIAZ-OTERO's photo on his Form I-205 dated on or about September 17, 2010. They appear to contain images of the same individual.

9. DIAZ-OTERO's alien file lacks evidence of any immigration benefit, document, or status that would allow him to enter, be admitted, pass through, or reside in the United States legally. Further, DIAZ-OTERO had not obtained permission from the Attorney General or the Secretary of the Department of Homeland Security to reenter the United States following his formal removals.

10. Based on the foregoing, I submit there is probable cause to believe that on or about October 18, 2020, in Loudoun County, Virginia, within the Eastern District of Virginia, ALEXANDER DIAZ-OTERO (also known as "Otero Alexander Dias"), an alien who was removed from the United States on or about November 23, 2007, at or near San Antonio, Texas, and on or about September 17, 2010, at or near Alexandria, Louisiana, following a conviction for

an aggravated felony, was found in the United States without having obtained the express consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States, in violation of Title 8, United States Code, §§ 1326(a) and (b)(2).

Respectfully submitted,



Mark Tlumacki  
Deportation Officer  
U.S. Immigration and Customs Enforcement

Attested to by the applicant in accordance  
with the requirements of Fed. R. Crim. P. 4.1  
by telephone on October 30, 2020.



The Honorable Ivan D. Davis  
United States Magistrate Judge